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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SIX

In re C.P., a Person Coming Under  
the Juvenile Court Law.

THE PEOPLE,

Plaintiff and Respondent,

v.

C.P.,

Defendant and Appellant.

2d Crim. No. B297697  
(Super. Ct. No. KJ40539)  
(Los Angeles County)

Minor C.P. appeals a disposition order committing him to the Division of Juvenile Justice (DJJ) for a maximum period of confinement of eight years. (Welf. & Inst. Code, §§ 602, 731, subd. (a)(4), 734.)

This appeal concerns horrific sexual abuse that C.P. committed against his younger brother and older sister. In a negotiated disposition, C.P. admitted committing a lewd act upon his brother, a child under the age of 14. (Pen. Code, § 288, subd.

(a).)<sup>1</sup> On the prosecutor's motion, the juvenile court then dismissed the remaining alleged counts and the two counts alleged in a subsequent petition. On appeal, C.P. challenges the constitutionality of the mandatory 10-year registration requirement for juvenile sex offenders. (§ 290.008, subd. (d).) We reject his arguments and affirm.

### *FACTUAL AND PROCEDURAL HISTORY*

Fifteen-year-old C.P. lived with his parents and siblings, including John Doe and Jane Doe. In 2018, police officers interviewed John Doe who described frequent sexual acts, including forcible oral copulation and sodomy, that C.P. committed upon him during a two-year period. John Doe stated that C.P. threatened to kill their parents if John Doe did not submit to the abuse.

On March 29, 2018, the prosecutor filed a wardship petition pursuant to Welfare and Institutions Code section 602 alleging that C.P. committed two counts of forcible oral copulation, and one count of lewd act upon a child under the age of 14 years, John Doe. (Former § 288a, subd. (c)(1), (2)(b), § 288, subd. (a).) On May 2, 2018, the prosecutor filed a subsequent petition alleging that C.P. committed two counts of forcible rape against his sister, Jane Doe. (§ 261, subd. (a)(2).) The parties stipulated to a factual basis for C.P.'s later admission based upon the police reports filed with the original petition.

On March 4, 2019, the juvenile court accepted C.P.'s admission as previously agreed and on March 21, 2019, committed him to DJJ for a maximum term of confinement of eight years. Among other things, the court ordered C.P. to

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<sup>1</sup> All further statutory references are to the Penal Code unless stated otherwise.

register as a sex offender. The court also continued a protective order in effect.

C.P. appeals the constitutionality of the mandatory sex offender registration requirement, asserting its onerous registration, notification and disclosure requirements, and resulting stigma on a juvenile offender. The Attorney General responds that C.P. has forfeited this contention because he did not raise it in the trial court.

## *DISCUSSION*

### *I.*

C.P. asserts that he is not precluded from raising this issue for the first time on appeal because it is a question of law based upon a facial constitutional challenge to a statute. (*In re J.C.* (2017) 13 Cal.App.5th 1201, 1206 [reviewing court entertained facial challenge to juvenile mandatory sex offender registration statute].) We exercise our discretion and decide C.P.'s arguments to the extent he presents a pure legal question. We do so to forestall the inevitable ineffectiveness of counsel claim and because persuasive legal authority has already decided the arguments he raises here. (*Ibid.*) To the extent he raises arguments singular to his case or presents research studies supporting his contentions, however, he has forfeited those particular issues because he did not raise them in the trial court. (*Ibid.*)

### *II.*

C.P. argues that the minimum 10-year registration requirement violates federal and state constitutional proscriptions against cruel and/or unusual punishment. C.P. relies upon recent jurisprudence holding that children lack maturity and have an undeveloped sense of responsibility. (E.g.,

*Miller v. Alabama* (2012) 567 U.S. 460, 465 [183 L.Ed.2d 407, 414-415 [mandatory life without parole for juvenile offender violates Eighth Amendment]; *Graham v. Florida* (2010) 560 U.S. 48, 74 [176 L.Ed.2d 825, 845] [life without parole for juvenile offender who did not commit homicide violates Eighth Amendment].) C.P. also asserts that published research studies establish that juvenile sex offenders are at low risk of reoffending.

At the time of C.P.'s commitment, the sex offender registration law required that a minor committed to DJJ for specified sex offenses must, upon discharge, register as a lifetime sex offender pursuant to section 290.008. The requirement attaches when a ward is discharged or paroled from DJJ. (*In re J.C.*, *supra*, 13 Cal.App.5th 1201, 1206.)

Operative January 1, 2021, the Legislature amended section 290.008, regarding the registration requirements for juvenile sex offenders who have been adjudicated as wards for specified sex offenses. The amended statute imposes a five- or 10-year registration requirement depending upon the adjudicated sex offense committed. (§ 290.008, subd. (d)(1), (2).) Section 290.008, subdivision (d)(3) also permits a registered sex offender to petition for termination from the sex offender registry following expiration of his or her mandated minimum registration period. Thus, registration for C.P. and other wards in his situation will no longer be of lifetime duration, only for a "mandated minimum registration period." (*Ibid.*) The registration period, however, may be extended by the court under certain circumstances. (§ 290.5, subd. (a)(3), operative Jan. 1, 2021.)

*In re Alva* (2004) 33 Cal.4th 254 held that lifetime registration for a misdemeanor offense (adult in possession of child pornography) did not constitute punishment and did not contravene either the state or federal guarantees against cruel and/or unusual punishment. “ ‘ “The purpose of section 290 is to assure that persons convicted of the crimes enumerated therein shall be readily available for police surveillance at all times because the Legislature deemed them likely to commit similar offenses in the future.” ’ ” (*Id.* at p. 264.) The statute is therefore regulatory in nature and intended to accomplish a legitimate government objective. (*Ibid.*)

Moreover, the provisions of section 290 are not excessive or punitive. “Given the general danger of recidivism presented by those convicted of criminal sexual misconduct, and the relatively minor burden registration represents, the Legislature may adopt a rule of general application for this class of offenders, and may guard against the demonstrated long-term risk of reoffense by imposing a permanent obligation on persons convicted of such crimes.” (*In re Alva, supra*, 33 Cal.4th 254, 279-280.)

*In re J.C., supra*, 13 Cal.App.5th 1201, 1203, 1217, held that lifetime sex offender registration for juvenile sex offenders did not constitute cruel and unusual punishment. The “current state of the law” is that “mandatory lifetime sex offender registration is not punishment.” (*Id.* at p. 1211.) *In re J.C.* extensively considered the same arguments made here, i.e., juvenile sex offenders have low risks of recidivism, sex offender registration does not promote public safety, the effect of the registration statute is punitive, and United States Supreme Court decisions distinguish between adult and juvenile offenders.

The discussion in *In re J.C.* persuasively disposes of C.P.'s arguments and we need not repeat them here.

The disposition order is affirmed.

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GILBERT, P. J.

We concur:

YEGAN, J.

PERREN, J.

Phyllis Shibata, Judge

Superior Court County of Los Angeles

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Laini Millar Melnick, under appointment by the Court of Appeal, for Defendant and Appellant.

Xavier Becerra, Attorney General, Lance E. Winters, Chief Assistant Attorney General, Susan Sullivan Pithey, Assistant Attorney General, Paul M. Roadarmel, Jr. and David F. Glassman, Deputy Attorneys General, for Plaintiff and Respondent.